

Dean A. Ziehl (CA Bar No. 84529)
Alan J. Kornfeld (CA Bar No. 130063)
Gillian N. Brown (CA Bar No. 205132)
Elissa A. Wagner (CA Bar No. 213589)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, California 90067
Telephone: 310/277-6910; Facsimile: 310/201-0760
E-mail: dziehl@pszjlaw.com; gbrown@pszjlaw.com
ewagner@pszjlaw.com

Special Counsel for Plaintiff Bradley D. Sharp, Chapter 11
Trustee for Namco Capital Group, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

NAMCO CAPITAL GROUP, INC., a
California corporation,

Debtor.

BRADLEY D. SHARP, solely in his
capacity as Chapter 11 Trustee of
NAMCO CAPITAL GROUP, INC.,

Plaintiff,

vs.

MOUSA NAMVAR, *et al.*,

Defendants.

Case No. 2:11-cv-05320-GAF (CWx)

Chapter 11

Bankr. Case No. 2:08-bk-32333-BR
Bankr. Adv. No. 2:10-ap-02945-BR

**DECLARATION OF GILLIAN N.
BROWN IN SUPPORT OF
TRUSTEE'S OPPOSITION TO
MOTION IN LIMINE OF
DEFENDANTS MOUSA NAMVAR,
MAGDIEL, LLC, NAMCO 8, LLC,
WISHLAB 90, LLC, BUNHERST,
LLC, AND DGADE OF
DELAWARE, LLC TO EXCLUDE
DOCUMENTS NOT TIMELY
PRODUCED IN DISCOVERY AND
DEPOSITION TESTIMONY
REGARDING SUCH DOCUMENTS
FROM INTRODUCTION AT
TRIAL BY PLAINTIFF**

Date: October 21, 2013
Time: 9:30 a.m.
Place: Courtroom 740
Judge: Hon. Gary A. Feess

Trial: October 29, 2013

I, Gillian N. Brown, declare and state as follows:

1. I am a partner in the law firm of Pachulski Stang Ziehl & Jones LLP (“PSZJ”), special counsel for Bradley D. Sharp, Chapter 11 Trustee (the “Trustee”) for Estate of Namco Capital Group, Inc. (“Namco”). I am an attorney at law duly authorized to practice before all of the courts of the State of California, the State of New York, and the District of Columbia. I am authorized to practice in the United States District Court for the Central District of California.

2. I have personal knowledge of the facts set forth in this Declaration. If called as a witness I could and would competently testify thereto.

3. I make this declaration in support of the *Trustee’s Opposition to Motion in Limine of Defendants Mousa Namvar, Magdiel, LLC, Namco 8, LLC, Wishlab 90, LLC, Bunherst, LLC, and DGADE of Delaware, LLC to Exclude Documents Not Timely Produced in Discovery and Deposition Testimony Regarding Such Documents From Introduction at Trial by Plaintiff* filed by Defendants Mousa Namvar; Magdiel, LLC; DGADE of Delaware, LLC; Bunherst, LLC; Namco 8, LLC; and Wishlab 90, LLC (the “Mousa Defendants”).

4. Attached hereto as **Exhibit 1** is a true and correct copy of the *Plaintiff’s Objections and Responses to Defendant Mousa Namvar’s First Set of Requests for Production of Documents* (the “Responses”), served on January 20, 2012. In the Responses, the Trustee made available to the Mousa Defendants the Namco electronically stored information (“ESI”) and more than 500 hundreds of boxes of hard copy, paper documents in the Trustee’s possession, custody, or control. The Trustee had objected to the Mousa Defendants’ document requests on the grounds that it was unduly burdensome and oppressive to require him to review the large volume both of Namco’s ESI and its hard copy, paper files. *See* General Objections, ¶¶ 2-4 of **Exhibit 1**.

5. Namco’s ESI is stored in an electronic database (the “Database”). *See* General Objections, ¶ 1 of **Exhibit 1**. The data in that Database was culled from the computer server that Namco used before and after the filing of its bankruptcy case,

1 and information on Namco desktop computers. In his responses to the Mousa
2 Defendants' document requests, the Trustee "request[ed] that [the Mousa Defendants]
3 provide the Trustee with appropriate search terms ('Search Terms') to locate
4 documents potentially responsive to the Document Requests in the Database. Using
5 the Search Terms, the Trustee will make the documents in the Database available to
6 Defendant's counsel. . . ." *See id.*, ¶ 2. The Mousa Defendants never provided Search
7 Terms to the Trustee's counsel.

8 6. The Trustee is in possession of more than 500 boxes of Namco's hard
9 copy documents. On January 20, 2012, the Trustee produced to the Mousa
10 Defendants his written inventory containing a listing of those hard copy files (the
11 "Inventory"). That Inventory was bates labeled as P8965-9015. The Trustee offered
12 to make the documents on the Inventory available to the Mousa Defendants for
13 inspection and copying. *See* General Objections, ¶¶ 3-4 of **Exhibit 1**. The Mousa
14 Defendants inspected only a small fraction of Namco's hard copy documents.

15 7. Attached hereto as **Exhibit 2** is a June 28, 2013 email (without
16 attachments) that I sent to the Mousa Defendants' co-defendants, which was also
17 copied on Mousa Defendants' counsel. In that email, I explained that emails the
18 Trustee marked at deposition which did not contain bates labels came from the
19 computer server that the Trustee offered to search with the defendants' search terms.
20 The Mousa Defendants' co-defendants have *not* joined in *Defendants Mousa Namvar,*
21 *Magdiel, LLC, Namco 8, LLC, Wishlab 90, LLC, Bunherst, LLC, and DGADE of*
22 *Delaware, LLC to Exclude Documents Not Timely Produced in Discovery and*
23 *Deposition Testimony Regarding Such Documents From Introduction at Trial by*
24 *Plaintiff.*

25 8. The Trustee produced bates labeled copies of Trial Exhibits 285 and 286
26 to the Mousa Defendants months before either document was used at deposition. Trial
27 Exhibit 285 was bates labeled as P25001. The Trustee produced this document on
28

1 February 14, 2013. This document was used at deposition more than five months
2 after the Trustee produced it.

3 9. Trial Exhibit 286 was bates labeled as P29760. The Trustee produced
4 this document on May 1, 2013. This document was marked at deposition more than
5 two and a half months after the Trustee produced it.

6 10. The Trustee marked Trial Exhibit 879 as an exhibit to the December 18,
7 2012 deposition of Gregory Johnson. Mr. Johnson was deposed again the following
8 day and on March 5, 2013. No other depositions had been completed before the
9 December 18, 2012 deposition at which Trial Exhibit 879 was marked.

10 11. Trial Exhibits 156, 165-167, and 878 are all deposition exhibits that the
11 Mousa Defendants' own counsel marked as exhibits at the deposition of David Judd,
12 one of the Trustee's expert witnesses.

13 12. Trial Exhibit 156 is the expert rebuttal report of one of the Trustee's
14 expert witnesses, David H. Judd. The Trustee served the Mousa Defendants with Trial
15 Exhibit 156 on the rebuttal expert report exchange date of June 17, 2013, which was
16 more than 3 weeks *before* Attorney Resser, counsel for the Mousa Defendants,
17 marked that report as a deposition exhibit. Attorney Resser then went on to question
18 Mr. Judd about the document at the first day of Mr. Judd's deposition on July 8, 2013:

19 13. Attached hereto as **Exhibit 3** is a true and correct copy of selected pages
20 from the Deposition Transcript of David H. Judd, taken July 8, 2013.

21 14. The defendants continued Mr. Judd's deposition on July 9 and August
22 13, 2013. The Trustee produced Trial Exhibits 165-167 to the Mousa Defendants
23 *before* the second of three days of Mr. Judd's deposition. Once again, Attorney
24 Resser, counsel for the Mousa Defendants, marked these documents as deposition
25 exhibits and examined Mr. Judd about them at deposition.

26 15. Attached hereto as **Exhibit 4** is a true and correct copy of selected pages
27 from the Deposition Transcript of David H. Judd, taken July 9, 2013.
28

1 16. The Mousa Defendants' counsel marked Trial Exhibit 878 as a deposition
2 exhibit more than two years ago at the first day of Ezri Namvar's deposition on
3 September 22, 2011.

4 17. Attached hereto as **Exhibit 5** is a true and correct copy of selected pages
5 from the Deposition Transcript of Ezri Namvar, taken September 11, 2011.

6 18. Defendant Mousa Namvar was copied on all five of the emails now
7 marked as Trial Exhibits 42, 43, and 48-50. Mousa Namvar did not produce these
8 documents to the Trustee. Furthermore, Trial Exhibits 42, 43, and 48-50 were marked
9 as exhibits at depositions the Trustee's counsel took on July 1, 2013 of Fara Raban, a
10 non-party to this case. Mr. Raban's deposition continued on July 3, 2013. At the time
11 of Mr. Raban's depositions on July 1 and 3, 2013, the only depositions that had been
12 completed in this case were those of Gregory Johnson; Trisister, LLC; and Ezri
13 Namvar's three sisters.

14 19. Trial Exhibit Nos. 257 and 457 are all documents that the Trustee located
15 during his inspection of the Namco hard documents in preparation for depositions.
16 The Trustee notes also that Defendant Mousa Namvar was listed as a recipient of Trial
17 Exhibit No. 457 but did not produce it to the Trustee during discovery.

18 20. Trial Exhibits 284, 303, and 304 are portions of the Namco general
19 ledger that the Trustee produced to the Mousa Defendants in native (QuickBooks)
20 format in 2012. I attended the September 27, 2013 meet and confer regarding
21 objections to the Joint Trial Exhibit List. During that meeting, Bernard Resser,
22 counsel to the Mousa Defendants, proposed that the native format of QuickBooks be
23 used at trial in this matter.

24
25
26 [remainder of page left intentionally blank]
27
28

EXHIBIT 1

Richard M. Pachulski (CA Bar No. 90073)
Dean A. Ziehl (CA Bar No. 84529)
Alan J. Kornfeld (CA Bar No. 130063)
Gillian N. Brown (CA Bar No. 205132)
Elissa A. Wagner (CA Bar No. 213589)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, California 90067
Telephone: 310/277-6910
Facsimile: 310/201-0760
E-mail: rpachulski@pszjlaw.com; dziehl@pszjlaw.com;
gbrown@pszjlaw.com; ewagner@pszjlaw.com

Special Counsel for Bradley D. Sharp, Chapter 11 Trustee
for Estate of Namco Capital Group, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

NAMCO CAPITAL GROUP, INC., a California
corporation,

Debtor.

Case No. 2:11-cv-05320-GAF (CWx)

Bankr. Case No. 2:08-bk-32333-BR

Bankr. Adv. Proc. No. 2:10-ap-02945-BR
Chapter 11

**PLAINTIFF'S OBJECTIONS AND
RESPONSES TO DEFENDANT MOUSA
NAMVAR'S FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS**

BRADLEY D. SHARP, solely in his capacity as
Chapter 11 Trustee of NAMCO CAPITAL
GROUP, INC.,

Plaintiff,

vs.

MOUSA NAMVAR, et al.

Defendants.

PROPOUNDING PARTY: Defendant Mousa Namvar

RESPONDING PARTY: Plaintiff Bradley D. Sharp, Chapter 11 Trustee

SET NO.: One (1)

RESPONSES TO MOUSA NAMVAR'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS

1 Plaintiff Bradley D. Sharp, solely in his capacity as Chapter 11 Trustee
2 (“Trustee”) of Namco Capital Group, Inc. (“Namco”), hereby responds to Defendant
3 Mousa Namvar’s First Set of Requests for Production of Documents (“Document
4 Requests” or “Document Request” when referring to the individual requests contained
5 therein) as follows:

6 **GENERAL OBJECTIONS**

7 The Trustee’s responses to the Document Requests are made subject to the
8 statements and general objections (“General Objections”) set forth herein. The
9 General Objections apply to each and every Document Request.

10 1. The Trustee objects to the Document Requests to the extent that they
11 seek documents which are not, and have never been, within the Trustee’s possession,
12 custody or control. In particular, Namco was put into an involuntary chapter 11
13 proceeding in December 2008, but the Trustee was not appointed as chapter 11 trustee
14 of Namco’s bankruptcy estate until May 2009. While the Trustee has received a vast
15 amount of data (the “Database”) from servers in the possession, custody and control of
16 Pentaco Management, Inc. (“Pentaco”), which Database purportedly contains all of
17 the data owned by, or relating to Namco, the Trustee is unable to state unequivocally
18 that all responsive data on Pentaco’s servers is in his possession, custody or control.
19 Accordingly, the Trustee’s production does not include responsive documents, if any,
20 on Pentaco’s servers which were not downloaded onto the Database.

21 2. The Trustee objects to the Document Requests to the extent that they
22 require inspection and assessment of a vast amount electronically stored information
23 in the Database, which is unduly burdensome and oppressive. To the extent
24 necessary, the Trustee requests that Defendant provide the Trustee with appropriate
25 search terms (“Search Terms”) to locate documents potentially responsive to the
26 Document Requests in the Database. Using the Search Terms, the Trustee will make
27 the documents in the Database available to Defendant’s counsel provided that
28 Defendant’s counsel agrees in writing that the Trustee shall not be deemed to have

1 waived the attorney-client privilege or any work product protections available to him
2 or Namco should the Search Terms result in an inadvertent production of protected
3 information and in accordance with terms and conditions mutually agreed upon by
4 counsel for the Trustee and Defendant.

5 3. In addition to the foregoing, the Trustee will produce an index (P09016-
6 P09019) of the QuickBooks files (the "QB Index") for Defendant to review.
7 Following Defendant's review of the QB Index, the Trustee will produce requested
8 QuickBooks files to Defendant upon the terms and conditions mutually agreed upon
9 by counsel for the Trustee and Defendant.

10 4. The Trustee objects to the Document Requests to the extent that they
11 require the inspection and assessment of a large volume of paper documents which is
12 unduly burdensome and oppressive. The Trustee will produce indices (P08965-
13 P09015) listing all of the hundreds of boxes of documents in his possession, custody,
14 or control (the "Namco Boxes") for Defendant's review. The Trustee will make the
15 documents in the Namco Boxes available to Defendant's counsel for inspection and
16 copying provided that Defendant's counsel agrees in writing that the Trustee shall not
17 be deemed to have waived the attorney-client privilege or any work product
18 protections available to him or Namco should the document inspection result in an
19 inadvertent production of protected information and in accordance with terms and
20 conditions mutually agreed upon by counsel for the Trustee and Defendant.

21 5. The Trustee objects to the Document Requests to the extent that they
22 require the production of documents that the Trustee received pursuant to a
23 Confidentiality Stipulation with Pentaco, an entity about which Defendant has
24 knowledge, and from whom, potentially, Defendant already has access to such
25 documents.

26 6. The Trustee objects to the Document Requests to the extent that they
27 require the production of documents that were prepared for, or in anticipation of,
28 litigation, thereby constituting attorney work product; that are protected by the

1 attorney-client privilege or the attorney work product doctrine; that contain
2 confidential business or proprietary information, including, but limited to, trade
3 secrets, or other private or confidential information of Namco, its customers, clients,
4 affiliates, or former employees, that is not relevant to the subject matter of the above-
5 captioned case; or that are otherwise privileged or protected from discovery.

6 7. In view of the Trustee's offer to provide Defendant access to search,
7 inspect, and copy documents subject to an agreement regarding the treatment of
8 privileged and/or protected documents, the Trustee will not at this time produce a
9 privilege log, and expressly reserves the right to produce a privilege log, of documents
10 to which a claim of privilege will be made following the completion of Defendant's
11 search and/or inspection of the Database, the QuickBooks files, and the Namco Boxes.

12 8. In addition, the Trustee and his counsel have a large volume of
13 documents, electronic communications, and working papers – all of which are wholly
14 protected from discovery by the attorney –client privilege and work product doctrine.
15 The Trustee will not individually identify each such document, communication, and
16 working paper on a privilege log on the grounds that to do so would be unduly
17 burdensome and oppressive, and serve no useful purpose. The Trustee asserts that
18 within the category of documents in his possession, custody or control that are wholly
19 protected by the attorney-client privilege and/or work product doctrine are the
20 following:

- 21 a. Communications between the Trustee (including the Trustee's
22 employees and agents) and his counsel, whether written or electronic;
23 b. Documents prepared by, or at the direction of Trustee's counsel, in
24 anticipation of, or in connection with, this litigation and other litigation
25 involving the Trustee.
26 c. Documents prepared by the Trustee's accountants and financial
27 advisors in anticipation of, or in connection with, this litigation and other
28 litigation involving the Trustee.

1 9. The Trustee objects to the Document Requests to the extent that they
2 seek information that has already been provided in this litigation, is on file with the
3 Court in this case, is more readily available from other parties, is a matter of public
4 record, or otherwise available to or already in the possession of Defendant or any
5 agents thereof.

6 10. The Trustee objects to the Document Requests to the extent that they
7 require the Trustee to make compilations, abstracts, audits, or summaries of records
8 when those compilations, abstracts, audits, or summaries do not exist.

9 11. The Trustee has made a good faith effort to investigate information
10 responsive to the Document Requests. However, it is possible that additional
11 information will be discovered that might affect the responses as discovery proceeds
12 and as the Trustee prepares for trial. Accordingly, the Trustee reserves the right to
13 supplement or modify the responses to incorporate subsequently discovered
14 information.

15 12. The Trustee expressly reserves all objections as to the relevance or
16 admissibility of his responses to the Document Requests.

17
18 **REQUESTS FOR PRODUCTION**

19
20 **REQUEST FOR PRODUCTION NO. 1:**

21 *Please produce ALL DOCUMENTS RELATING TO the "Mousa SP Transfers"*
22 *as identified in the COMPLAINT.*

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

24 The Trustee refers to and incorporates his General Objections. The Trustee
25 specifically objects to this Document Request to the extent that it seeks information
26 protected by the attorney-client privilege and work product doctrine. The Trustee
27 further objects on the grounds that this Document Request is burdensome and
28 oppressive insofar as responsive documents may exist among the Namco Boxes in the

Trustee's possession and within the Database; is premature insofar as the Trustee has not completed discovery in this case nor completed preparation for trial, and/or to the extent requested responsive documents have already been produced to Defendant (*see* P00001 through P05867). Subject to and without waiving these objections, the Trustee (a) will produce responsive, non-privileged documents to the extent they can be reasonably searched and identified as set forth in the General Objections at paragraph 2; (b) will produce the QB Index for review by Defendant and, upon request, provide copies of requested files as set forth in the General Objections at paragraph 3; (c) will produce the indices to the Namco Boxes and make the documents in the Namco Boxes available for inspection and copying as set forth in the General Objections at paragraph 4; and (d) will produce copies of Namco's QuickBooks files, which served as the general ledger for Namco during the relevant period.

REQUEST FOR PRODUCTION NO. 2:

Please produce ALL DOCUMENTS constituting, reflecting, or memorializing any COMMUNICATIONS between NAMCO, EZRI, or TONY on the one hand, and MOUSA on the other.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

The Trustee refers to and incorporates his General Objections. The Trustee specifically objects to this Document Request to the extent that it seeks information protected by the attorney-client privilege and work product doctrine. The Trustee objects on the grounds that this Document Request is overbroad, vague, and ambiguous and therefore, unduly burdensome and oppressive in that there is no limitation as to subject matter or time. The Trustee further objects on the grounds that this Document Request is burdensome and oppressive insofar as responsive documents may exist among the Namco Boxes in the Trustee's possession and within the Database; is premature insofar as the Trustee has not completed discovery in this

1 case nor completed preparation for trial, and to the extent that responsive documents
2 have already been produced to Defendant (*see* P00001 through P05867). Subject to
3 and without waiving these objections, the Trustee (a) will produce responsive, non-
4 privileged documents to the extent they can be reasonably searched and identified as
5 set forth in the General Objections at paragraph 2; (b) will produce the QB Index for
6 review by Defendant and, upon request, provide copies of requested files as set forth
7 in the General Objections at paragraph 3; and (c) will produce the indices to the
8 Namco Boxes and make the documents in the Namco Boxes available for inspection
9 and copying as set forth in the General Objections at paragraph 4.

10
11 **REQUEST FOR PRODUCTION NO. 3:**

12 *Please produce ALL DOCUMENTS constituting, reflecting, or memorializing*
13 *any payments or transfers by NAMCO to MOUSA.*

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

15 The Trustee refers to and incorporates his General Objections. The Trustee
16 specifically objects to this Document Request to the extent that it seeks information
17 protected by the attorney-client privilege and work product doctrine. The Trustee
18 further objects on the grounds that this Document Request is overbroad, vague, and
19 ambiguous and therefore, unduly burdensome and oppressive in that there is no
20 limitation as to time. The Trustee further objects on the grounds that this Document
21 Request is burdensome and oppressive insofar as responsive documents may exist
22 among the Namco Boxes in the Trustee's possession and within the Database; is
23 premature insofar as the Trustee has not completed discovery in this case nor
24 completed preparation for trial, and to the extent that responsive documents have
25 already been produced to Defendant (*see* P00001 through P05867). Subject to and
26 without waiving these objections, the Trustee (a) will produce responsive, non-
27 privileged documents to the extent they can be reasonably searched and identified as
28 set forth in the General Objections at paragraph 2; (b) will produce the QB Index for

1 review by Defendant and, upon request, provide copies of requested files as set forth
2 in the General Objections at paragraph 3; (c) will produce the indices to the Namco
3 Boxes and make the documents in the Namco Boxes available for inspection and
4 copying as set forth in the General Objections at paragraph 4; and (d) will produce
5 copies of Namco's QuickBooks files, which served as the general ledger for Namco
6 during the relevant period.

7
8 **REQUEST FOR PRODUCTION NO. 4:**

9 *Please produce ALL DOCUMENTS RELATING TO the terms and conditions of*
10 *the "Mousa SP Transfers" that YOU allege were agreed upon between NAMCO and*
11 *MOUSA.*

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

13 The Trustee refers to and incorporates his General Objections. The Trustee
14 specifically objects to this Document Request to the extent that it seeks information
15 protected by the attorney-client privilege and work product doctrine. The Trustee
16 further objects on the grounds that this Document Request is burdensome and
17 oppressive insofar as responsive documents may exist among the Namco Boxes in the
18 Trustee's possession and within the Database; is premature insofar as the Trustee has
19 not completed discovery in this case nor completed preparation for trial, and such
20 documents have already been produced to Defendant (*see* P00001 through P05867).
21 Subject to and without waiving these objections, the Trustee (a) will produce
22 responsive, non-privileged documents to the extent they can be reasonably searched
23 and identified as set forth in the General Objections at paragraph 2; (b) will produce
24 the QB Index for review by Defendant and, upon request, provide copies of requested
25 files as set forth in the General Objections at paragraph 3; (c) will produce the indices
26 to the Namco Boxes and make the documents in the Namco Boxes available for
27 inspection and copying as set forth in the General Objections at paragraph 4; and (d)
28

1 will produce copies of Namco's QuickBooks files, which served as the general ledger
2 for Namco during the relevant period.

3
4 **REQUEST FOR PRODUCTION NO. 5:**

5 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*
6 *COMPLAINT that MOUSA agreed to be bound by the terms and conditions of the*
7 *"Mousa SP Transfers" without a written agreement, and/or confirmed such*
8 *agreement by its conduct.*

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

10 The Trustee refers to and incorporates his General Objections. The Trustee
11 specifically objects to this Document Request to the extent that it seeks information
12 protected by the attorney-client privilege and work product doctrine. The Trustee
13 further objects on the grounds that this Document Request is burdensome and
14 oppressive insofar as responsive documents may exist among the Namco Boxes in the
15 Trustee's possession and within the Database; is premature insofar as the Trustee has
16 not completed discovery in this case nor completed preparation for trial, and such
17 documents have already been produced to Defendant (*see* P00001 through P05867).
18 Subject to and without waiving these objections, the Trustee (a) will produce
19 responsive, non-privileged documents to the extent they can be reasonably searched
20 and identified as set forth in the General Objections at paragraph 2; (b) will produce
21 the QB Index for review by Defendant and, upon request, provide copies of requested
22 files as set forth in the General Objections at paragraph 3; (c) will produce the indices
23 to the Namco Boxes and make the documents in the Namco Boxes available for
24 inspection and copying as set forth in the General Objections at paragraph 4; and (d)
25 will produce copies of Namco's QuickBooks files, which served as the general ledger
26 for Namco during the relevant period.

27
28 **REQUEST FOR PRODUCTION NO. 6:**

1 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*
2 *COMPLAINT that ALL conditions required for MOUSA's performance of the terms*
3 *and conditions of the "Mousa SP Transfers" agreement have been satisfied, except*
4 *those excused by reason of MOUSA's conduct.*

5 **RESPONSE TO REQUEST FOR PRODUCTION NO.6:**

6 The Trustee refers to and incorporates his General Objections. The Trustee
7 specifically objects to this Document Request to the extent that it seeks information
8 protected by the attorney-client privilege and work product doctrine. The Trustee
9 further objects on the grounds that this Document Request is burdensome and
10 oppressive insofar as responsive documents may exist among the Namco Boxes in the
11 Trustee's possession and within the Database; is premature insofar as the Trustee has
12 not completed discovery in this case nor completed preparation for trial, and such
13 documents have already been produced to Defendant (*see* P00001 through P05867).
14 Subject to and without waiving these objections, the Trustee (a) will produce
15 responsive, non-privileged documents to the extent they can be reasonably searched
16 and identified as set forth in the General Objections at paragraph 2; (b) will produce
17 the QB Index for review by Defendant and, upon request, provide copies of requested
18 files as set forth in the General Objections at paragraph 3; (c) will produce the indices
19 to the Namco Boxes and make the documents in the Namco Boxes available for
20 inspection and copying as set forth in the General Objections at paragraph 4; and (d)
21 will produce copies of Namco's QuickBooks files, which served as the general ledger
22 for Namco during the relevant period.

23
24 **REQUEST FOR PRODUCTION NO. 7:**

25 *Please produce ALL DOCUMENTS RELATING TO ALL alleged breaches of*
26 *any term and/or condition of the "Mousa SP Transfers" committed by either NAMCO*
27 *or MOUSA.*

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

1 The Trustee refers to and incorporates his General Objections. The Trustee
2 specifically objects to this Document Request to the extent that it seeks information
3 protected by the attorney-client privilege and work product doctrine. The Trustee
4 further objects on the grounds that this Document Request is burdensome and
5 oppressive insofar as responsive documents may exist among the Namco Boxes in the
6 Trustee's possession and within the Database; is premature insofar as the Trustee has
7 not completed discovery in this case nor completed preparation for trial, and such
8 documents have already been produced to Defendant (*see* P00001 through P05867).
9 Subject to and without waiving these objections, the Trustee (a) will produce
10 responsive, non-privileged documents to the extent they can be reasonably searched
11 and identified as set forth in the General Objections at paragraph 2; (b) will produce
12 the QB Index for review by Defendant and, upon request, provide copies of requested
13 files as set forth in the General Objections at paragraph 3; (c) will produce the indices
14 to the Namco Boxes and make the documents in the Namco Boxes available for
15 inspection and copying as set forth in the General Objections at paragraph 4; and (d)
16 will produce copies of Namco's QuickBooks files, which served as the general ledger
17 for Namco during the relevant period.

18
19 **REQUEST FOR PRODUCTION NO. 8:**

20 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*
21 *COMPLAINT that at the time NAMCO allegedly made the "Mousa SP Transfers,"*
22 *NAMCO (i) was engaged or was about to be engaged in a business or transaction for*
23 *which the remaining assets of NAMCO were unreasonably small in relation to the*
24 *business or transaction, or (ii) intended to incur, or reasonably should have believed*
25 *that it would incur, debts beyond its ability to pay as they came due.*

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

27 The Trustee refers to and incorporates his General Objections. The Trustee
28 specifically objects to this Document Request to the extent that it seeks information

1 protected by the attorney-client privilege and work product doctrine. The Trustee
2 further objects on the grounds that this Document Request is burdensome and
3 oppressive insofar as responsive documents may exist among the Namco Boxes in the
4 Trustee's possession and within the Database; is premature insofar as the Trustee has
5 not completed discovery in this case nor completed preparation for trial, and such
6 documents have already been produced to Defendant (*see* P00001 through P05867).
7 Subject to and without waiving these objections, the Trustee (a) will produce
8 responsive, non-privileged documents to the extent they can be reasonably searched
9 and identified as set forth in the General Objections at paragraph 2; (b) will produce
10 the QB Index for review by Defendant and, upon request, provide copies of requested
11 files as set forth in the General Objections at paragraph 3; and (c) will produce the
12 indices to the Namco Boxes and make the documents in the Namco Boxes available
13 for inspection and copying as set forth in the General Objections at paragraph 4; (d)
14 will produce copies of Namco's QuickBooks files, which served as the general ledger
15 for Namco during the relevant period; and (e) refers Defendant to the *First Financial*
16 *Report of the Chapter 11 Trustees Pursuant to 11 U.S.C. §1106(a)(3)-(4), dated*
17 *February 26, 2010*, which was filed with the Court in the above-entitled bankruptcy
18 case. Finally the Trustee notes that he intends to produce his financial advisors'
19 expert report on insolvency at the designated time in this adversary proceeding.
20

21 **REQUEST FOR PRODUCTION NO. 9:**

22 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*
23 *COMPLAINT that the "Mousa SP Transfers" were made "without receiving*
24 *reasonably equivalent value in exchange, and Namco was insolvent at the time of each*
25 *such transfer, in that at fair valuations, the sum of its debts was greater than all of its*
26 *assets."*

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**
28

1 The Trustee refers to and incorporates his General Objections. The Trustee
2 specifically objects to this Document Request to the extent that it seeks information
3 protected by the attorney-client privilege and work product doctrine. The Trustee
4 further objects on the grounds that this Document Request is burdensome and
5 oppressive insofar as responsive documents may exist among the Namco Boxes in the
6 Trustee's possession and within the Database; is premature insofar as the Trustee has
7 not completed discovery in this case nor completed preparation for trial, and such
8 documents have already been produced to Defendant (*see* P00001 through P05867).
9 Subject to and without waiving these objections, the Trustee (a) will produce
10 responsive, non-privileged documents to the extent they can be reasonably searched
11 and identified as set forth in the General Objections at paragraph 2; (b) will produce
12 the QB Index for review by Defendant and, upon request, provide copies of requested
13 files as set forth in the General Objections at paragraph 3; and (c) will produce the
14 indices to the Namco Boxes and make the documents in the Namco Boxes available
15 for inspection and copying as set forth in the General Objections at paragraph 4; (d)
16 will produce copies of Namco's QuickBooks files, which served as the general ledger
17 for Namco during the relevant period; and (e) refers Defendant to the *First Financial*
18 *Report of the Chapter 11 Trustees Pursuant to 11 U.S.C. §1106(a)(3)-(4), dated*
19 *February 26, 2010*, which was filed with the Court in the above-entitled bankruptcy
20 case. Finally the Trustee notes that he intends to produce his financial advisors'
21 expert report on insolvency at the designated time in this adversary proceeding.

22
23 **REQUEST FOR PRODUCTION NO. 10:**

24 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*
25 *COMPLAINT that MOUSA, at all material times, was the "agent, employee, servant,*
26 *alter ego, partner, co-conspirator, co-venturer and/or legal representative of each of*
27 *the other Defendants."*

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

1 The Trustee refers to and incorporates his General Objections. The Trustee
2 specifically objects to this Document Request to the extent that it seeks information
3 protected by the attorney-client privilege and work product doctrine. The Trustee
4 further objects on the grounds that this Document Request is burdensome and
5 oppressive insofar as responsive documents may exist among the Namco Boxes in the
6 Trustee's possession and within the Database; is premature insofar as the Trustee has
7 not completed discovery in this case nor completed preparation for trial, and such
8 documents have already been produced to Defendant (*see* P00001 through P05867).
9 Subject to and without waiving these objections, the Trustee (a) will produce
10 responsive, non-privileged documents to the extent they can be reasonably searched
11 and identified as set forth in the General Objections at paragraph 2; (b) will produce
12 the QB Index for review by Defendant and, upon request, provide copies of requested
13 files as set forth in the General Objections at paragraph 3; (c) will produce the indices
14 to the Namco Boxes and make the documents in the Namco Boxes available for
15 inspection and copying as set forth in the General Objections at paragraph 4; and (d)
16 will produce copies of Namco's QuickBooks files, which served as the general ledger
17 for Namco during the relevant period.

18
19 **REQUEST FOR PRODUCTION NO. 11:**

20 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*
21 *COMPLAINT that MOUSA is indebted to NAMCO on an open book account.*

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

23 The Trustee refers to and incorporates his General Objections. The Trustee
24 specifically objects to this Document Request to the extent that it seeks information
25 protected by the attorney-client privilege and work product doctrine. The Trustee
26 further objects on the grounds that this Document Request is burdensome and
27 oppressive insofar as responsive documents may exist among the Namco Boxes in the
28 Trustee's possession and within the Database; is premature insofar as the Trustee has

1 not completed discovery in this case nor completed preparation for trial, and such
2 documents have already been produced to Defendant (*see* P00001 through P05867).
3 Subject to and without waiving these objections, the Trustee (a) will produce
4 responsive, non-privileged documents to the extent they can be reasonably searched
5 and identified as set forth in the General Objections at paragraph 2; (b) will produce
6 the QB Index for review by Defendant and, upon request, provide copies of requested
7 files as set forth in the General Objections at paragraph 3; and (c) will produce the
8 indices to the Namco Boxes and make the documents in the Namco Boxes available
9 for inspection and copying as set forth in the General Objections at paragraph 4; and
10 (d) will produce copies of Namco's QuickBooks files, which served as the general
11 ledger for Namco during the relevant period.

12
13 **REQUEST FOR PRODUCTION NO. 12:**

14 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*
15 *COMPLAINT that the "Mousa Preferential Transfers" as identified in the*
16 *COMPLAINT were made to MOUSA on account of antecedent debt owed by NAMCO*
17 *before the "Mousa Preferential Transfers" were made.*

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

19 The Trustee refers to and incorporates his General Objections. The Trustee
20 specifically objects to this Document Request to the extent that it seeks information
21 protected by the attorney-client privilege and work product doctrine. The Trustee
22 further objects on the grounds that this Document Request is burdensome and
23 oppressive insofar as responsive documents may exist among the Namco Boxes in the
24 Trustee's possession and within the Database; is premature insofar as the Trustee has
25 not completed discovery in this case nor completed preparation for trial, and such
26 documents have already been produced to Defendant (*see* P00001 through P05867).
27 Subject to and without waiving these objections, the Trustee (a) will produce
28 responsive, non-privileged documents to the extent they can be reasonably searched

1 and identified as set forth in the General Objections at paragraph 2; (b) will produce
2 the QB Index for review by Defendant and, upon request, provide copies of requested
3 files as set forth in the General Objections at paragraph 3; and (c) will produce the
4 indices to the Namco Boxes and make the documents in the Namco Boxes available
5 for inspection and copying as set forth in the General Objections at paragraph 4; and
6 (d) will produce copies of Namco's QuickBooks files, which served as the general
7 ledger for Namco during the relevant period.

8
9 **REQUEST FOR PRODUCTION NO. 13:**

10 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*
11 *COMPLAINT that the "Mousa Preferential Transfers" were made to MOUSA within*
12 *one year of the "Petition Date."*

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

14 The Trustee refers to and incorporates his General Objections. The Trustee
15 specifically objects to this Document Request to the extent that it seeks information
16 protected by the attorney-client privilege and work product doctrine. The Trustee
17 further objects on the grounds that this Document Request is burdensome and
18 oppressive insofar as responsive documents may exist among the Namco Boxes in the
19 Trustee's possession and within the Database; is premature insofar as the Trustee has
20 not completed discovery in this case nor completed preparation for trial, and such
21 documents have already been produced to Defendant (*see* P00001 through P05867).
22 Subject to and without waiving these objections, the Trustee (a) will produce
23 responsive, non-privileged documents to the extent they can be reasonably searched
24 and identified as set forth in the General Objections at paragraph 2; (b) will produce
25 the QB Index for review by Defendant and, upon request, provide copies of requested
26 files as set forth in the General Objections at paragraph 3; and (c) will produce the
27 indices to the Namco Boxes and make the documents in the Namco Boxes available
28 for inspection and copying as set forth in the General Objections at paragraph 4; and

(d) will produce copies of Namco's QuickBooks files, which served as the general ledger for Namco during the relevant period.

REQUEST FOR PRODUCTION NO. 14:

Please produce ALL DOCUMENTS relied upon by YOU to answer ALL Interrogatories served upon you by MOUSA in the above-captioned adversary proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

The Trustee refers to and incorporates his General Objections. The Trustee specifically objects to this Document Request to the extent that it seeks information protected by the attorney-client privilege and work product doctrine. The Trustee further objects on the grounds that this Document Request is burdensome and oppressive insofar as responsive documents may also exist among the Namco Boxes in the Trustee's possession and within the Database. Subject to and without waiving these objections, the Trustee identifies the following documents:

- (a) The Complaint filed in the within action;
- (b) Documents previously produced as P00001 to P05857.

REQUEST FOR PRODUCTION NO. 15:

Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the COMPLAINT that MOUSA is the alter-ego of any corporate entity identified in the COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

The Trustee refers to and incorporates his General Objections. The Trustee specifically objects to this Document Request to the extent that it seeks information protected by the attorney-client privilege and work product doctrine. The Trustee further objects on the grounds that this Document Request is burdensome and oppressive insofar as responsive documents may exist among the Namco Boxes in the

1 Trustee's possession and within the Database; is premature insofar as the Trustee has
2 not completed discovery in this case nor completed preparation for trial, and such
3 documents have already been produced to Defendant (*see* P00001 through P05867).
4 Subject to and without waiving these objections, the Trustee (a) will produce
5 responsive, non-privileged documents to the extent they can be reasonably searched
6 and identified as set forth in the General Objections at paragraph 2; (b) will produce
7 the QB Index for review by Defendant and, upon request, provide copies of requested
8 files as set forth in the General Objections at paragraph 3; (c) will produce the indices
9 to the Namco Boxes and make the documents in the Namco Boxes available for
10 inspection and copying as set forth in the General Objections at paragraph 4; and (d)
11 will produce copies of Namco's QuickBooks files, which served as the general ledger
12 for Namco during the relevant period.

13
14 **REQUEST FOR PRODUCTION NO. 16:**

15 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*
16 *COMPLAINT that MOUSA aided and abetted TONY in breaching any fiduciary duty*
17 *owed to NAMCO.*

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

19 The Trustee refers to and incorporates his General Objections. The Trustee
20 specifically objects to this Document Request to the extent that it seeks information
21 protected by the attorney-client privilege and work product doctrine. The Trustee
22 further objects on the grounds that this Document Request is burdensome and
23 oppressive insofar as responsive documents may exist among the Namco Boxes in the
24 Trustee's possession and within the Database; is premature insofar as the Trustee has
25 not completed discovery in this case nor completed preparation for trial, and such
26 documents have already been produced to Defendant (*see* P00001 through P05867).
27 Subject to and without waiving these objections, the Trustee (a) will produce
28 responsive, non-privileged documents to the extent they can be reasonably searched

1 and identified as set forth in the General Objections at paragraph 2; (b) will produce
2 the QB Index for review by Defendant and, upon request, provide copies of requested
3 files as set forth in the General Objections at paragraph 3; (c) will produce the indices
4 to the Namco Boxes and make the documents in the Namco Boxes available for
5 inspection and copying as set forth in the General Objections at paragraph 4; and (d)
6 will produce copies of Namco's QuickBooks files, which served as the general ledger
7 for Namco during the relevant period.

8
9 **REQUEST FOR PRODUCTION NO. 17:**

10 *Please produce ALL DOCUMENTS RELATING TO YOUR allegation in the*
11 *COMPLAINT that MOUSA aided and abetted EZRI in breaching any fiduciary duty*
12 *owed to NAMCO.*

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

14 The Trustee refers to and incorporates his General Objections. The Trustee
15 specifically objects to this Document Request to the extent that it seeks information
16 protected by the attorney-client privilege and work product doctrine. The Trustee
17 further objects on the grounds that this Document Request is burdensome and
18 oppressive insofar as responsive documents may exist among the Namco Boxes in the
19 Trustee's possession and within the Database; is premature insofar as the Trustee has
20 not completed discovery in this case nor completed preparation for trial, and such
21 documents have already been produced to Defendant (*see* P00001 through P05867).
22 Subject to and without waiving these objections, the Trustee (a) will produce
23 responsive, non-privileged documents to the extent they can be reasonably searched
24 and identified as set forth in the General Objections at paragraph 2; (b) will produce
25 the QB Index for review by Defendant and, upon request, provide copies of requested
26 files as set forth in the General Objections at paragraph 3; (c) will produce the indices
27 to the Namco Boxes and make the documents in the Namco Boxes available for
28 inspection and copying as set forth in the General Objections at paragraph 4; and (d)

1 will produce copies of Namco's QuickBooks files, which served as the general ledger
2 for Namco during the relevant period.

3
4 Dated: January 19, 2012

PACHULSKI STANG ZIEHL & JONES
LLP

6 By 

7 Richard M. Pachulski
8 Dean A. Ziehl
9 Alan J. Kornfeld
10 Gillian N. Brown
11 Elissa A. Wagner

12 Special Counsel for Bradley D.
13 Sharp, Chapter 11 Trustee for Estate
14 of Namco Capital Group, Inc.

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS)
ANGELES)

I, Mary de Leon, am employed in the city and county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 10100 Santa Monica Blvd., 13th Floor, Los Angeles, California 90067-4100.

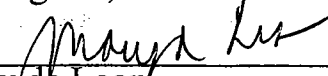
On January 20, 2012, I caused to be served the **PLAINTIFF'S OBJECTIONS AND RESPONSES TO DEFENDANT MOUSA NAMVAR'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** in this action by placing a true and correct copy of said document(s) in sealed envelopes addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

- ☒ (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☒ (BY EMAIL) I caused to be served the above-described document by email to the parties indicated on the attached service list at the indicated email address.
- ☐ (BY FAX) I caused to be transmitted the above-described document by facsimile machine to the fax number(s) as shown. The transmission was reported as complete and without error. (Service by Facsimile Transmission to those parties on the attached List with fax numbers indicated.)
- ☐ (BY OVERNIGHT DELIVERY) By sending by _____ to the addressee(s) as indicated on the attached list.

I declare that I am employed in the office of a member of the bar of this Court at whose direction was made.

Executed on January 20, 2012, at Los Angeles, California.



Mary de Leon

SERVICE LIST

Counsel for Mousa Namvar, Magdiel, LLC, Namco 8, LLC, Wishlab 90, LLC, Bunherst, LLC and DGADE of Delaware, LLC

Brian L. Davidoff, Esq.

Geoffrey M. Gold, Esq.

David Y. Joe, Esq.

Neeta Menon, Esq.

RUTTER HOBBS & DAVIDOFF INCORPORATED

1901 Avenue of the Stars, Suite 1700

Los Angeles, California 90067

Email: bdavidoff@rutterhobbs.com

ggold@rutterhobbs.com

djoe@rutterhobbs.com

nmenon@rutterhobbs.com

Counsel for Bradley D. Sharp, as Chapter 11 Trustee for Namco Capital Group Inc.

David M. Poitras, Esq.

Jeffer Mangels Butler & Mitchell

1900 Avenue of the Stars, 7th Floor

Los Angeles, California 90067

Email: dpoitras@jmbm.com

Counsel for Namco Capital Group, Inc.

Daniel Namvar, Benjamin Namvar, Homayoun Namvar, Malka Namvar, Shira Namvar, Hooshang Namvar

Net LLC and Helen Shadi

Alan F. Broidy, Esq.

Law Offices of Alan F. Broidy

1925 Century Park East, Suite 1700

Los Angeles, California 90067

Email: alan@broidylaw.com

and

John D. Younesi, Esq.

Jan A. Yoss, Esq.

Younesi & Yoss, LLP

11355 W. Olympic Blvd., Suite 200

Los Angeles, California 90065

Email: jdyounesi@younesi.com

jyoss@younesi.com

Counsel for Haron Shabatian

Robert B. Mobasser, Esq.

Law Offices of Robert B. Mobasser

445 South Figueroa Street, Suite 2700

Los Angeles, California 90071

Email: robertm@mobasseripc.com

Counsel for Hooshang Namvar, Homayoun Namvar,
Ramin Namvar, Helen Shadi, Hilda Bayanfar, Lida
Shraga, Nataly Namvar, Trifish, LLC, Tribun, LLC,
Trisister, LLC, Believers, LLC, Net, LLC, Light Source,
LLC, Lacy 20, LLC, Woodman Partners, LLC, Tritowne,
LLC and Trigrove, LLCLA Hotel Venture LLC, Lancam
Properties, LLC and Toyram LLC

Henley L. Saltzburg, Esq.

Damon G. Saltzburg, Esq.

Paul T. Dye, Esq.

Genise R. Reiter, Esq.

Saltzburg Ray and Bergman

12121 Wilshire Boulevard, Suite 600

Los Angeles, California 90025

Email: hls@srblaw.com

ds@srblaw.com

ptd@srblaw.com

grr@srblaw.com

Richard Sandor Berger, Esq,

Peter J. Gurfein, Esq.

Landau Gottfried and Berger LLP

1801 Century Park East, Suite 700

Los Angeles, California 90067

Email: rberger@lgbfirm.com

pgurfein@lgbfirm.com

EXHIBIT 2

Gillian N. Brown

From: Gillian N. Brown
Sent: Friday, June 28, 2013 12:25 PM
To: ptd@srblaw.com
Cc: Elissa A. Wagner; Alan Kornfeld; Ellen Bender; bresser@greenbergglusker.com; Genise Reiter [grr@srblaw.com] (grr@srblaw.com); 'robertm@mobasseripc.com'; 'Werderitch, Lori'
Subject: FW: Namco Family Litig.
Attachments: [NAMCO] 4.29.13 Letter to Counsel.pdf; [NAMCO] Plaintiff's Responses to First Set of Doc Requests.pdf

Paul,

As I explained to Genise (on and off the record during Wednesday's depositions), emails that do not contain bates labels came from the server that was in your clients' possession, custody, and control. Elissa also explained the provenance of these emails in her June 13 email to you. That is, your clients produced those emails to the Namco Trustee; these are your clients' own documents.

We have expressly stated that we would not produce to the defendants documents that they had previously produced to us. For example, my colleague, Gail Greenwood, set forth in her April 29 letter accompanying *Plaintiff's Responses to Trifish, LLC's First Set of Requests for Production of Documents* (the "Responses") that the Namco Trustee would not be producing to defendants documents that defendants previously produced to us. (I have attached a copy of that letter to this email.) We also preserved that position in General Objection G to the Responses. (I have attached a copy of the Responses to this email, as well.) Moreover, in General Objection G to the Responses, we offered to produce ESI pursuant to search terms even though this data belongs to and is in the possession of your clients. We have no record of the Defendants providing us any such search terms.

If you still intend to instruct your clients not to answer questions relating to documents that are not bates labeled, I suggest that we begin the meet and confer process today in advance of our potential motion to compel deposition testimony should you instruct witnesses not to answer. (If **Bernie, Lori, and Robert** are going to instruct their witnesses not to answer on these grounds, I invite them to the meet and confer, as well, of course.) If counsel instruct witnesses not to respond to questions regarding un-bates labeled documents, we will keep the depositions open and make our motion to compel. That motion to compel will also include a request that, should we prevail on the motion, discovery will remain open after the July 26 discovery cutoff to permit us to finish those depositions.

I am available to **meet and confer** today until 1:30pm, and then after 4pm today. I can make myself available this weekend after 12:30pm on Saturday and Sunday, as well.

With regard to your aspersions on our client and/or our attorneys, suffice it to say that we disagree.

Best regards,
Gillian

From: Paul Dye [<mailto:ptd@srblaw.com>]
Sent: Friday, June 28, 2013 10:25 AM
To: Elissa A. Wagner; Alan Kornfeld; Gillian N. Brown
Cc: Ellen Bender; Resser, Bernard; Genise Reiter; robertm@mobasseripc.com; Werderitch, Lori
Subject: RE: Namco Family Litig.

Dear Esteemed Counsel -

Genise has shown me the exhibits from the Trisister depositions. Many are emails bearing no date stamp. It appears that these were not produced in response to defendants' document requests, nor were they identified in Plaintiff's Rule 26 disclosures. This appears to be an attempt at trial by ambush which is not allowed under the FRCP.

I suspect this is part of the game plaintiff has played in this litigation of stating that there is a vast pile of documents and emails which Defendants may search by providing plaintiff with key words, etc. This game, which we have not played, required Defendants to attempt to guess what plaintiff might be thinking would justify plaintiff's claims. Defendants' requests for production for all emails relating to the topics in this litigation was designed to put an end to that nonsense.

Apparently, this did not succeed in bringing about the production of documents that plaintiff intends to use in the depositions and at trial.

Unless you can convince me otherwise, in the depositions of my clients, I will be objecting to any document that was not identified and produced and will instruct the witness not to answer questions relating to the document.

Very truly yours,
Paul

Paul T. Dye
Saltzburg, Ray & Bergman, LLP
12121 Wilshire Blvd., Suite 600
Los Angeles, CA 90025-1166
Telephone: (310) 481-6757
FAX (310) 481-6720
E-Mail: ptd@srblaw.com

This document is intended for the exclusive use of the addressee. It may contain privileged, confidential or non-disclosable information. If you are not the addressee or someone responsible for delivering this document to the addressee, you may not read, copy or distribute it. If you have received this document by mistake, please e-mail the administrator at administrator@srblaw.com and securely dispose of it. Thank you.

EXHIBIT 3

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re: NAMCO CAPITAL GROUP,)
INC. a California)
corporation,) Case No.
2:11-cv-05320-GAF
Debtor)
_____)
BRADLEY D. SHARP, solely in)
his capacity as Chapter 11)
Trustee of NAMCO CAPITAL)
GROUP, INC.,)
Plaintiff,)
VS.)
MOUSA NAMVAR, et al.,)
Defendants.)
_____)

DEPOSITION OF DAVID H. JUDD
Los Angeles, California
Monday, July 8, 2013

TSG Job # 63217
Reported by:
NIKKI ROY, CSR No. 3052

1 Deposition of DAVID H. JUDD, taken on behalf of
2 the Counsel for MOUSA NAMVAR, MAGDIEL, LLC, MANCO 8
3 LLC, WISHLAB 90 LLC, BUNHERST, LLC and DGAD OF
4 DELAWARE, LLC, at 1900 Avenue of the Stars,
5 21st Floor, Los Angeles, California, on Monday,
6 July 8, 2013 at 9:23 a.m., before NIKKI ROY, CSR
7 No. 3052.

8
9 APPEARANCES OF COUNSEL:

10
11 FOR THE PLAINTIFF:

12 PACHULSKI STANG ZIEHL & JONES

BY: ALAN KORNFELD, Attorney at Law

13 10100 Santa Monica Boulevard

Los Angeles, California 90067

14
15
16
17 FOR HOOSHANG NAMVAR, HOMAYOUN NAMVAR, RAMIN, NAMVAR,
HELEN SHADI, HILDA BAYANFAR, LIDA SHRAGGA, NATALY
18 NAMVAR, TRIFISH, LLC, TRIBUN, LLC, TRISISTER, LLC,
BELIEVERS, LLC, NET LLC, LIGHT SOURCE, LLC, LACY 20,
19 LLC, WOODMAN PARTNERS, LLC, TRITOWNE, LLC AND
TRIGROVE LLC:

20 SALTZBURG RAY & BERGMAN

21 BY: PAUL DYE, Attorney at Law

GENISE REITER, Attorney at Law

22 12121 Wilshire Boulevard

Los Angeles, California 90025

1 APPEARANCES OF COUNSEL (CONTINUED):

2
3 COUNSEL FOR MOUSA NAMVAR, HAGDIEL, LLC, NAMCO 8K LLC,
4 WISHLAB 90 LLC, BUNHERST, LLC AND DGADE OF DELAWARE,
5 LLC:

6 GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER

7 BY: BERNARD RESSER, Attorney at Law

8 1900 Avenue of the Stars

9 Los Angeles, California 90067

10 ALSO PRESENT:

11 NICHOLAS TROSZAK

12 BRADLEY SHARP

13 GREGORY GATELEY, videographer

I N D E X

WITNESS	EXAMINATION	PAGE
DAVID H. JUDD	MR. RESSER	7, 98

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit 150	Printout from BRG website	13
Exhibit 151	First Financial Report of the Chapter 11 Trustees Pursuant to 11 USC Section 1106(a)(3)-(4), dated February 26, 2010 Submitted to the Honorable Barry Russell, United States Bankruptcy Judge for the Central District of California by R. Todd Neilson and Bradley D. Sharp	26
Exhibit 152	Expert Report of David Judd	27
Exhibit 153	Expert Report of David Judd	30
Exhibit 154	Spreadsheets entitled "Bankruptcy Estate of NCG and Namvar Transaction Analysis"	34
Exhibit 155	Spreadsheets entitled "Bankruptcy Estate of NCG and Namvar Transaction Analysis"	35
Exhibit 156	Rebuttal Expert Report of David Judd Rebuttal Expert Report of David Judd	38

I N D E X (CONTINUED):

EXHIBITS (CONTINUED):

NUMBER	DESCRIPTION	PAGE
Exhibit 157	Notice of Deposition of Namco Capital Group under Federal Rule of Civil Procedure 30(b)(6)	41
Exhibit 158	Notice of Expert Witness Deposition of David Judd and of Requests for Production of Documents at Deposition	52

QUESTIONS INSTRUCTED NOT TO ANSWER

None

INFORMATION REQUESTED

None

1 LOS ANGELES, CALIFORNIA, MONDAY, JULY 8, 2013

2 9:23 A.M.

3
4 THE VIDEOGRAPHER: Good morning, everybody.

5 This is the start of disk number 1 in the
6 video deposition of David Judd in the matter
7 Bradley D. Sharp, Chapter 11 Trustee versus Mousa
8 Namvar, et al. in the United States Bankruptcy Court,
9 Central District of California.

10 This deposition is being held at Greenberg
11 Glusker Fields Claman and Machtinger, LLP located at
12 1900 Avenue of the Stars, 21st floor, Los Angeles,
13 California on July 8, 2013 at approximately 9:23 a.m.

14 My name is Gregory Gateley from TSG
15 Reporting Inc. I'm the legal video specialist. The
16 court reporter is Nikki Roy in association with TSG
17 Reporting.

18 Counsel please state your appearances for
19 the record.

20 MR. RESSER: Bernard Resser, Greenberg
21 Glusker Fields Claman & Machtinger for defendants
22 Mousa Namvar, Magdiel LLC, Namco 8 LLC, Wishlab 90
23 LLC, Bunherst LLC, Dgade of Delaware LLC.

24 MR. DYE: Paul Dye, of Saltzburg, Ray &
25 Bertman, also Genise Reiter of Saltzburg, Ray &

1 Bertman representing defendants Lacy 20 LLC, Hooshang
2 Namvar, Homayoun Namvar, Ramin Namvar, Helen Shadi,
3 Hilda Bayanfar, Lida Shragga, Nataly Namvar, Trifish
4 LLC, Tribun LLC, Trisister LLC, Believers LLC,
5 Net LLC, Light Source Management LLC, Woodman
6 Partners LLC, Tritowne LLC and Trigrove LLC.

7 MR. KORNFELD: Alan Kornfeld, Pachulski
8 Stang Ziehl & Jones for Bradley Sharp, trustee for
9 Namco Capital Group.

10 THE VIDEOGRAPHER: Will the court reporter
11 please swear in the witness.

12
13 DAVID H. JUDD

14 called as a deponent and sworn in by
15 the deposition officer, was examined
16 and testified as follows:

17
18 EXAMINATION

19 BY MR. RESSER:

20 Q. Good morning, Mr. Judd.

21 A. Good morning.

22 Q. Can you state your full name for the record.

23 A. David Harl Judd.

24 Q. What is your business address?

25 A. 2049 Century Park East, Suite 2525,

1 (The document referred to was marked
2 by the CSR as Deposition Exhibit 156
3 for identification and attached to the
4 deposition transcript hereto.)

5 (Document reviewed by witness.)

6 BY MR. RESSER:

7 Q. Okay. Mr. Judd, what is Exhibit 156?

8 A. It is a rebuttal expert report that I
9 prepared for this specific litigation.

10 Q. Okay. And this is the rebuttal report that
11 you just referred to in your earlier answer to my
12 question about whether you prepared an expert report
13 on damages in this case, correct?

14 MR. KORNFELD: Objection; vague.

15 THE WITNESS: I didn't recall talking about
16 the rebuttal report prior, but --

17 BY MR. RESSER:

18 Q. Okay. In preparing your rebuttal expert
19 report, did you consult any of the schedules that
20 were prepared for the trustee or counsel that were
21 the basis for the damages amounts in the first
22 amended complaint?

23 A. Yes.

24 Q. And is that the schedules that you prepared
25 for the damages for the first amended complaint the

EXHIBIT 4

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re: NAMCO CAPITAL GROUP,)
INC. a California)
corporation,) Case No.
) 2:11-cv-05320-GAF
Debtor)
_____)
)
BRADLEY D. SHARP, solely in)
his capacity as Chapter 11)
Trustee of NAMCO CAPITAL)
GROUP, INC.,)
)
Plaintiff,)
)
VS.)
)
MOUSA NAMVAR, et al.,)
)
Defendants.)
_____)

DEPOSITION OF DAVID H. JUDD
Los Angeles, California
Tuesday, July 9, 2013

Reported by:
NIKKI ROY, CSR No. 3052
Job # 63218

1 Deposition of DAVID H. JUDD, taken on behalf of
2 the Counsel for MOUSA NAMVAR, MAGDIEL, LLC, MANCO 8
3 LLC, WISHLAB 90 LLC, BUNHERST, LLC and DGAD OF
4 DELAWARE, LLC, at 1900 Avenue of the Stars,
5 21st Floor, Los Angeles, California, on Tuesday,
6 July 9, 2013 at 9:18 a.m., before NIKKI ROY, CSR
7 No. 3052.

8
9 APPEARANCES OF COUNSEL:

10
11 FOR THE PLAINTIFF:

12 PACHULSKI STANG ZIEHL & JONES
13 BY: ALAN KORNFELD, Attorney at Law
14 10100 Santa Monica Boulevard
15 Los Angeles, California 90067
16

17 FOR HOOSHANG NAMVAR, HOMAYOUN NAMVAR, RAMIN, NAMVAR,
18 HELEN SHADI, HILDA BAYANFAR, LIDA SHRAGGA, NATALY
19 NAMVAR, TRIFISH, LLC, TRIBUN, LLC, TRISISTER, LLC,
20 BELIEVERS, LLC, NET LLC, LIGHT SOURCE, LLC, LACY 20,
21 LLC, WOODMAN PARTNERS, LLC, TRITOWNE, LLC AND
22 TRIGROVE LLC:

23 SALTZBURG RAY & BERGMAN
24 BY: PAUL DYE, Attorney at Law
25 12121 Wilshire Boulevard
Los Angeles, California 90025

1 APPEARANCES OF COUNSEL (CONTINUED):

2
3 COUNSEL FOR MOUSA NAMVAR, HAGDIEL, LLC, NAMCO 8K LLC,
4 WISHLAB 90 LLC, BUNHERST, LLC AND DGADE OF DELAWARE,
LLC:

5 GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER

6 BY: BERNARD RESSER, Attorney at Law

1900 Avenue of the Stars

Los Angeles, California 90067

7
8
9
10 ALSO PRESENT:

11 NICHOLAS TROSZAK (Appearing telephonically)

BRADLEY SHARP (Appearing telephonically)

12 GREGORY GATELEY, Videographer
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS	EXAMINATION	PAGE
DAVID H. JUDD		
	MR. DYE	7, 116
	MR. RESSER	200

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit 159	Notice of FRCP 30(b)(6) Deposition of Chapter 11 Bankruptcy Estate of Esri Namvar	15
Exhibit 160	Notice of FRCP 30(b)(6) deposition of Namco Capital Group Inc.	91
Exhibit 161	One-page document, Bates number P2658	163
Exhibit 162	Documents, Bates numbers P 2825 through 2830	165
Exhibit 163	Documents, Bates number P 1214	167
Exhibit 164	Transactional Analysis, Bates numbers P 3041 through P 3110	168
Exhibit 165	Multiple page landscape, month-by-month analysis of income and expenses, January 2004 through March of 2007	204
Exhibit 165-1 - 165-40	Excel file documents	211

I N D E X (CONTINUED):

EXHIBITS (CONTINUED):

NUMBER	DESCRIPTION	PAGE
Exhibit 166	Interest Payable NFE and NFI xlsx	212
Exhibit 167	Interest Payable Namvar Family	212

QUESTIONS INSTRUCTED NOT TO ANSWER

None

INFORMATION REQUESTED

None

1 LOS ANGELES, CALIFORNIA, TUESDAY, JULY 9, 2013

2 9:18 A.M.

3
4 THE VIDEOGRAPHER: Good morning, everybody.

5 This is the start of disk number 1 in the
6 video deposition of David Judd in the matter of
7 Bradley D. Sharp, Chapter 11 Trustee versus Mousa
8 Namvar, et al., in the court, United States District
9 Court, Central District of California, Los Angeles
10 Division.

11 This deposition is being held at Greenberg
12 Glusker Fields Claman & Machtinger LLP, located at
13 1900 Avenue of the Stars, 21st Floor, Los Angeles,
14 California.

15 Today's date is July 9, 2013. The time is
16 approximately 9:18 a.m. My name is Gregory Gateley
17 from TSG Reporting Inc. I am the legal video
18 specialist. The court reporter is Nikki Roy in
19 association with TSG Reporting.

20 Counsel, please state your appearances for
21 the record.

22 MR. DYE: Good morning. Paul Dye,
23 Saltzburg, Ray & Bergman. I'm representing Lacy 20
24 LLC, Hooshang Namvar, Homayoun Namvar, Ramin Namvar,
25 Helen Shadi, Hilda Bayanfar, Lida Shragga, Nataly

1 Namvar, Trifish LLC, Tribun LLC, Trisister LLC,
2 Believers LLC, Net LLC, Light Source Management LLC,
3 Woodman Partners LLC, Tritowne LLC and Trigrove LLC.

4 MR. RESSER: Bernard Resser, Greenberg
5 Glusker Fields Claman & Machtinger LLP, representing
6 defendants Mousa Namvar and the following LLCs:
7 Magdiel, Namco 8, Wishlab 90, Bunherst, Dgade of
8 Delaware.

9 MR. KORNFELD: Alan Kornfeld, Pachulski
10 Stang Ziehl & Jones for Chapter 11 trustee Brad
11 Sharp.

12 THE VIDEOGRAPHER: And will the court
13 reporter please swear in the witness.

14
15 DAVID H. JUDD
16 called as a deponent and sworn in by
17 the deposition officer, was examined
18 and testified as follows:

19
20 EXAMINATION

21 BY MR. DYE:

22 Q. Good morning, Mr. Judd.

23 A. Good morning.

24 Q. I understand you're the person who's going
25 to tell me what the evidence is that supposedly

1 MR. KORNFELD: Okay.

2 MR. RESSER: All right. I apparently have
3 only one copy of each of these, so I just want to get
4 them in the record because they've been produced
5 today, and they don't have Bates, and we don't have
6 any way of --

7 MR. KORNFELD: That's fine.

8 MR. RESSER: -- controlling them.

9 MR. KORNFELD: We're about control.

10 MR. RESSER: All right.

11 Q. We've now handed you a several-page
12 landscape legal-size document.

13 Can you tell me what Exhibit 165 is?

14 A. It is a month-by-month analysis of income
15 and expenses beginning with January 2004 and going
16 through March of 2007.

17 Q. And which portion of your insolvency report
18 does this relate to?

19 A. This relates to the exhibit on page 10 of my
20 May 17, 2013 expert report.

21 Q. Is that document that I've handed you the
22 full and complete Excel file relating to the -- is it
23 the income statement analysis?

24 A. It's an income and expense analysis.

25 Q. Okay. The -- the names of the three Excel

1 (The document referred to was marked
2 by the CSR as Deposition Exhibit 166
3 for identification and attached to the
4 deposition transcript hereto.)

5 (Document reviewed by witness.)

6 THE WITNESS: Okay.

7 BY MR. RESSER:

8 Q. What is Exhibit 166?

9 A. It is the second file that you identified.

10 Q. Interest payable NFE and NFI.xlsx?

11 A. Yes.

12 Q. Okay. Handing you a third document, if you
13 can tell me what that is.

14 THE DEPOSITION OFFICER: Did we mark that?

15 MR. RESSER: That will be 167.

16 (The document referred to was marked
17 by the CSR as Deposition Exhibit 167
18 for identification and attached to the
19 deposition transcript hereto.)

20 (Document reviewed by witness.)

21 THE WITNESS: And if I'm not mistaken, I
22 believe this file has two tabs. I -- I would have to
23 look at this one as well to confirm that this is all
24 here.

25 BY MR. RESSER:

1 Q. Okay. Why don't we mark that as 167 and
2 leave a blank in the deposition and have you check
3 that against the document.

4 A. I will do --

5 Q. Does that make sense?

6 A. I will do that.

7 Q. And your counsel will notify us if we had
8 difficulty printing it.

9 Does it -- sir, does it surprise you that it
10 took my office almost six hours today to print those?

11 MR. KORNFELD: You know, that's a hard
12 question to answer without knowing who works in your
13 office.

14 MR. RESSER: He can answer the question. I
15 think he kind of has by his expression.

16 THE WITNESS: I kind of have. Well, I mean,
17 part of it would be once you had the format down for
18 this big pile, they would all be the same, so it
19 would --

20 BY MR. RESSER:

21 Q. Okay.

22 A. -- it would speed up. I don't know how long
23 it would take your printer to print off those large
24 pages, but it could take some time.

25 Q. It wouldn't surprise you that it was a

EXHIBIT 5

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

IN RE:

NAMCO CAPITAL GROUP, INC., A
CALIFORNIA CORPORATION,

Debtor.

BRADLEY D. SHARP, SOLELY IN HIS
CAPACITY AS CHAPTER 11 TRUSTEE
OF NAMCO CAPITAL GROUP, INC.,

Plaintiff,

vs.

CHAPTER 11
No. 2:11-CV-05320-GAF

MOUSA NAMVAR; HOOSHANG NAMVAR;
HOMAYOUN NAMVAR; RAMIN NAMVAR;
HELEN SHADI; HILDA BAYANFAR;
LIDA SHRAGA; NATALY NAMVAR;
DANIEL NAMVAR; BENJAMIN NAMVAR;
MALKA NAMVAR; SHIRAH NAMVAR;
ET AL.,

Defendants.

VIDEOTAPED DEPOSITION OF EZRI NAMVAR

Los Angeles, California

Thursday, September 22, 2011

Volume 1

Reported by:
MARIA ELLERSICK
CSR No. 10531
Job No. 173001

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION
3 IN RE:
4 NAMCO CAPITAL GROUP, INC., A
5 CALIFORNIA CORPORATION,
6 Debtor.

7 BRADLEY D. SHARP, SOLELY IN HIS
8 CAPACITY AS CHAPTER 11 TRUSTEE
9 OF NAMCO CAPITAL GROUP, INC.,

10 Plaintiff,

11 vs.

12 CHAPTER 11
13 No. 2:11-CV-05320-GAF

14 MOUSA NAMVAR; HOOSHANG NAMVAR;
15 HOMAYOUN NAMVAR; RAMIN NAMVAR;
16 HELEN SHADI; HILDA BAYANFAR; LIDA
17 SHRAGA; NATALY NAMVAR; DANIEL NAMVAR;
18 BENJAMIN NAMVAR; MALKA NAMVAR;
19 SHIRAH NAMVAR; TRIFISH, LLC;
20 TRIBUN, LLC; MAGDIEL, LLC; TRISISTER,
21 LLC; BELIEVERS, LLC; NET, LLC; LIGHT
22 SOURCE, LLC; LA HOTEL VENTURE, LLC;
23 LANCAM PROPERTIES, LLC; LACY 20, LLC;
24 NAM 5, LTD; NAMCO 8, LLC; WISHLAB 90,
25 LLC; BUNHERST, LLC; DGADE OF DELAWARE,
LLC; TOYRAM, LLC; NAMARI, LLC;
WOODMAN PARTNERS, LLC; TRITOWNE, LLC;
TRIGROVE, LLC; AND HARON SHABATIAN,

Defendants.

20 Videotaped Deposition of EZRI NAMVAR,
21 Volume 1, taken on behalf of Defendants, at 12121
22 Wilshire Boulevard, Suite 600, Los Angeles,
23 California, beginning at 9:54 a.m. and ending at
24 5:40 p.m. on Thursday, September 22, 2011, before
25 MARIA ELLERSICK, Certified Shorthand Reporter
No. 10531.

1 APPEARANCES:

2
3 For Plaintiff Bradley D. Sharp, Chapter 11
Trustee for Estate of Namco Capital Group, Inc.:

4 PACHULSKI, STANG, ZIEHL & JONES

5 BY: STEVEN J. KAHN

Attorney at Law

6 10100 Santa Monica Boulevard, 13th Floor

Los Angeles, California 90067

7 (310) 277-6910

8 For Defendants Lacy 20, LLC; Hooshang Namvar;
Homayoun Namvar; Ramin Namvar; Helen Shadi;
9 Hilda Bayanfar; Lida Shraga; Nataly Namvar;
Trifish, LLC; Tribun, LLC; Trisister, LLC;
10 Believers, LLC; Tritowne, LLC; Trigrove, LLC:

11 SALTZBURG, RAY & BERGMAN

BY: PAUL T. DYE

12 Attorney at Law

12121 Wilshire Boulevard, Suite 600

13 Los Angeles, California 90025

(310) 481-6700

14
15 For Defendants Mousa Namvar; Magdiel, LLC;
Namco 8, LLC; Bunherst, LLC; Wishlab 90, LLC;
Dgade of Delaware, LLC:

16 RUTTER, HOBBS & DAVIDOFF

17 BY: BRIAN L. DAVIDOFF

Attorney at Law

18 1901 Avenue of the Stars, Suite 1700

Los Angeles, California 90067

19 (310) 286-1700

20 Also Present:

21 MOUSA NAMVAR

FARA RABAN

22 SEAN NAMVAR

23 Videographer:

24 BEN MOULANT

SARNOFF COURT REPORTERS &

25 LEGAL TECHNOLOGIES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

WITNESS

EXAMINATION

EZRI NAMVAR
Volume 1

BY MR. DYE 9

BY MR. DAVIDOFF 151

EXHIBITS

DEFENDANTS'

PAGE

Exhibit 1 Agreement of Purchase and Sale
and Escrow Instructions
Between Commonwealth Wilshire
Corporation and Network Bank
USA, dated 5/30/03 154

Exhibit 2 Wilshire/Bundy Office
Ownership chart 159

Exhibit 3 Buyers Settlement Statement
for Wilshire/Bundy building,
dated 8/15/03 163

Exhibit 4 Asset sheet of Namvar
Real Estate Holdings,
dated October 2008 166

Exhibit 5 E-mail chain between Ezri
Namvar and Tony Namvar and
others re Chessed charitable
contribution, dated 9/15/03 170

Exhibit 6 Letter from Mousa Namvar to
Ezri Namvar re 12121 Wilshire
Boulevard building,
dated 10/31/08 172

1 Los Angeles, California, Thursday, September 22, 2011

2 9:54 a.m. - 5:40 p.m.

3
4 THE VIDEOGRAPHER: Good morning. Here begins
5 Media No. 1 of the deposition of Ezri Namvar in the
6 matter of Sharp versus Namvar. This case is pending
7 before the United States District Court, for the Central
8 District of California, Los Angeles Division, and the
9 case number is 2:11-CV-05320-GAF. Today's date is
09:54:43 10 September 22nd and the time is 9:54. This deposition is
11 taking place at Saltzburg, Ray and is being taken on
12 behalf of the Defendant. The videographer is Benjamin
13 Moulant appearing on behalf of Sarnoff Court Reporters
14 located in Los Angeles, California.

15 All parties please take notice that as part of
16 the videotaping of this deposition, the microphones
17 being used are very sensitive. All recorded comments
18 made by any party, attorney, or the deponent during this
19 deposition will be considered to be on the record and
09:55:14 20 will be transcribed.

21 Would counsel please identify yourselves and
22 state whom you represent.

23 MR. DYE: Paul Dye of Saltzburg, Ray & Bergman.
24 I'm representing a number of the defendants in this
25 case, including Hooshang Namvar; Homayoun Namvar; Ramin

1 Q. And you say it was your tradition that when you
2 were able to do a transaction, that you would make a
3 donation to a charity?

4 A. Yes. Not this organized usually because this was
5 a big deal. This was our prized possession. We wanted
6 the luck. We had never bought anything this big. This
7 was the trophy asset we bought. We were all excited and
8 I gave that E-mail to put \$180,000 into Chesed
9 Foundation.

16:48:42 10 Q. And so when you say the 180- should go from the
11 Wilshire/Bundy owners and you had these percentages,
12 does this reflect your belief of what the ownership
13 percentages were of the individual brothers in the
14 building?

15 A. For sure. I mean, I never -- I testified to
16 that, except I was too doubtful about my sisters, which
17 is cleared by this. The sisters are not here.

18 MR. DAVIDOFF: Okay. Let me show you one more
19 document, please. We'll mark this as Exhibit No. 6.

16:49:17 20 (Defendants' Exhibit 6 was marked for
21 identification by the court reporter.)

22 MR. DAVIDOFF: Hold on a second. Let's just go
23 off a minute.

24 THE VIDEOGRAPHER: We are going off the record at
25 4:50.

1 (Recess.)

2 THE VIDEOGRAPHER: We are back on the record at
3 4:52.

4 BY MR. DAVIDOFF:

5 Q. Mr. Namvar, I've handed you a letter dated
6 October 31, 2008. It's on the letterhead of Mousa
7 Namvar, and it appears to have Mousa's signature, as
8 well as your signature. Could you just take a moment to
9 look at that letter, please.

16:53:04 10 A. I have. What's the question?

11 Q. Do you remember seeing this letter before?

12 A. It's my signature, yes. Remember, October of '08
13 was very tense time for me, yes. I have signed this
14 letter and it is my signature.

15 Q. And do you remember how it came about that this
16 letter was signed?

17 A. I don't know what Mousa's reason was that he
18 wanted to put our understanding that we had for a long
19 time in writing, but that's what it was.

16:53:35 20 Q. And does this letter correctly reflect your
21 understanding of the events as they were?

22 A. Yes.

23 Q. If you have a look at the bottom of the letter on
24 the first page, it says -- I'm just going to read it
25 into the record so we can understand the question that

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

I, Mary de Leon, am employed in the city and county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 10100 Santa Monica Blvd., 13th Floor, Los Angeles, California 90067.

On September 30, 2013, I caused to be served the **DECLARATION OF GILLIAN N. BROWN IN SUPPORT OF TRUSTEE'S OPPOSITION TO MOTION IN LIMINE OF DEFENDANTS MOUSA NAMVAR, MAGDIEL, LLC, NAMCO 8, LLC, WISHLAB 90, LLC, BUNHERST, LLC, AND DGADE OF DELAWARE, LLC TO EXCLUDE DOCUMENTS NOT TIMELY PRODUCED IN DISCOVERY AND DEPOSITION TESTIMONY REGARDING SUCH DOCUMENTS FROM INTRODUCTION AT TRIAL BY PLAINTIFF** in this action by placing a true and correct copy of said document(s) and sent as follows:

See Attached Service List

- ☐ (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☒ (BY EMAIL) I caused to be served the above-described document by email to the parties indicated on the attached service list at the indicated email address.
- ☒ (BY NOTICE OF ELECTRONIC FILING) I caused to be served the above-described document by means of electronic transmission of the Notice of Electronic Filing through the Court's transmission facilities, for parties and/or counsel who are registered ECF Users.
- ☒ (BY HAND DELIVERY) I caused to be served the above-described document by hand delivery to the parties as indicated on the attached service.
- ☐ (BY FAX) I caused to be transmitted the above-described document by facsimile machine to the fax number(s) as shown. The transmission was reported as complete and without error. (Service by Facsimile Transmission to those parties on the attached List with fax numbers indicated.)

1 I hereby certify that I am employed in the office of a member of the Bar of this
2 Court at whose direction the service was made.

3 Executed on September 30, 2013, at Los Angeles, California.

4
5 /s/ Mary de Leon
Mary de Leon

SERVICE LIST

2:11-cv-05320-GAF (CWx) Notice will be sent via hand delivery to:

**Judge Gary A. Feess
U.S. District Court
255 East Temple Street, Courtroom 740
Los Angeles, CA 90012-3332**

2:11-cv-05320-GAF (CWx) Notice will be sent electronically to:

- **Matthew Peter Chan Benham**
benham.esq@gmail.com
- **Alan Frank Broidy**
afbroidy@ix.netcom.com
- **Gillian N Brown**
gbrown@pszjlaw.com
- **Brian Leslie Davidoff**
bdavidoff@greenbergglusker.com,kwoodson@greenbergglusker.com,jreinglass@greenbergglusker.com,calendar@greenbergglusker.com
- **Alan J Kornfeld**
akornfeld@pszyj.com
- **Richard Hyungil Lee**
richard.lee@salisianlee.com,christina.cordero@salisianlee.com
- **Robert B Mobasser**
robert@lawyer.com,robertm@mobasseripc.com
- **Richard M Pachulski**
jstang@pszjlaw.com
- **Daryl G Parker**
dparker@pszjlaw.com
- **Genise R Reiter**
grr@srblaw.com
- **Bernard M Resser**
bresser@greenbergglusker.com,calendar@greenbergglusker.com
- **Neal S Salisian**
neal.salisian@salisianlee.com,christina.cordero@salisianlee.com
- **Damon G Saltzburg**
ds@srblaw.com,hls@srblaw.com
- **Henley L Saltzburg**
hls@srblaw.com,ar@srblaw.com,ptd@srblaw.com,lb2@srblaw.com,grr@srblaw.com
- **Newton C Tak**
newton.tak@salisianlee.com

- 1 • **Elissa A Wagner**
ewagner@pszjlaw.com
- 2 • **Lori L Werderitch**
lwerderitch@greenbergglusker.com,jreinglass@greenbergglusker.com
- 3 • **Dean A Ziehl**
dziehl@pszjlaw.com,mdj@pszjlaw.com

6 **2:11-cv-05320-GAF (CWx) Notice will be sent via Email to:**

7 **Counsel for Hooshang Namvar, Homayoun Namvar,**
8 **Ramin Namvar, Helen Shadi, Hilda Bayanfar, Lida**
9 **Shraga, Nataly Namvar, Trifish, LLC, Tribun, LLC,**
10 **Trisister, LLC, Believers, LLC, Net, LLC, Light Source,**
11 **LLC, Lacy 20, LLC, Woodman Partners, LLC, Tritowne,**
12 **LLC and Trigrove, LLC**

13 Henley L. Saltzburg, Esq.
Paul T. Dye, Esq.
Genise R. Reiter, Esq.
14 SALTZBURG, RAY & BERGMAN, LLP
12121 Wilshire Boulevard, Suite 600
Los Angeles, California 90025-1166
Email: hls@srblaw.com
ptd@srblaw.com
grr@srblaw.com

15 -and-

16 Richard Lee, Esq.
Newton C. Tak, Esq.
17 SALISIAN LEE LLP
444 South Flower Street, Suite 2320
Los Angeles, California 90071-2924
Email: richard.lee@salisianlee.com
newton.tak@salisianlee.com

20 **Counsel for Mousa Namvar, Magdiel, LLC, Namco 8,**
21 **LLC,**
22 **Wishlab 90, LLC, Bunherst, LLC and DGADE of**
23 **Delaware, LLC**

24 Bernard M. Resser, Esq.
Lori L. Werderitch, Esq.
25 GREENBERG GLUSKER FIELDS CLAMAN &
26 MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067
Email: bresser@greenbergglusker.com
lwerderitch@greenbergglusker.com

**Counsel for Bradley D. Sharp, as Chapter 11
Trustee for Namco Capital Group Inc.**

David M. Poitras, Esq.
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067
Email: dpoitras@jmbm.com

Counsel for Haron Shabatian

Robert B. Mobasser, Esq.
LAW OFFICES OF ROBERT B. MOBASSERI
445 South Figueroa Street, 27th Floor
Los Angeles, California 90071
Email: robertm@mobasseripc.com

**Counsel for Daniel Namvar, Benjamin Namvar, Malka Namvar
and Shira Namvar**

Alan F. Broidy, Esq.
LAW OFFICES OF ALAN F. BROIDY
1925 Century Park East, Suite 1700
Los Angeles, California 90067
Email: alan@broidylaw.com

-and-

John D. Younesi, Esq.
Jan A. Yoss, Esq.
YOUNESI & YOSS LLP
11355 W. Olympic Blvd., Suite 200
Los Angeles, California 90064
Email: jdyounesi@younesi.com
jyoss@younesi.com